

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

RUSTY STRICKLAND, *et al.*,

Plaintiffs,

v.

THE UNITED STATES DEPARTMENT
OF AGRICULTURE, *et al.*,

Defendants.

Case No. 2:24-cv-00060-Z

DEFENDANTS' MOTION FOR AN EXTENSION OF TIME

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7 of the Court's local rules, Defendant respectfully requests a 30-day extension of time, to and including November 14, 2024, to respond to Plaintiff's motion for summary judgment. That response is currently due on October 15, 2024. This is Defendants' first request for an extension of time for this purpose. And good cause exists for this request.

Over the past six weeks, undersigned counsel have faced numerous expedited and highly time-consuming deadlines in several other matters in this Court and elsewhere. These include briefing on motions for emergency relief in cases related to the upcoming election. *See America First Policy Institute, et al. v. Biden, et al.*, Case No. 24-cv-152, ECF No. 63 (N.D. Tex., Oct. 3, 2024) (upcoming brief due on Oct. 11, 2024); Order, *Ashcroft v. Biden, et al.*, Case No. 24-cv-1062, ECF No. 55 (E.D. Mo., Oct. 1, 2024) (directing government to file briefs on Oct. 9 and Oct. 21, 2024, in consolidated cases). These deadlines have come on top of other time-consuming obligations in counsel's other cases, including other USDA matters. *See, e.g., Pride v. USDA*, Case No. 1:23-cv-02292 (D.D.C.) (answer to class complaint following partial denial of motion to dismiss filed on September 25, 2024); *Texas Top Cop Shop, Inc. v. Garland*, 4:24-cv-00478 (E.D. Tex.) (hearing on motion preliminary injunction scheduled for Oct. 9,

2015); *Davidson v. Gensler, et al.*, Case No. 24-cv-0197 (W.D. Tex.) (oral argument on preliminary injunction scheduled for Oct. 15, 2024); *Provost v. USDA*, Case No. 1:24-cv-0920 (D.D.C.) (motion to dismiss amended class complaint due on October 28, 2024). The unexpected workload of these various other matters has proved formidable and has impeded counsel's ability to devote time to this matter. Due to these competing obligations, counsel anticipates that they will require an additional 30 days to respond to Plaintiffs' motion for summary judgment.

Undersigned counsel conferred with counsel for Plaintiffs about this request via e-mail, who indicated that Plaintiffs would consent to extend Defendants' deadline to October 29, 2024—but would oppose a longer extension. Defendants understand that Plaintiffs wish to bring this matter to final resolution quickly. However, their underlying interests will not be impaired by affording Defendants the full 30 days. Plaintiffs already have the benefit of the preliminary injunction that the Court entered four months ago. *See* Order, ECF No. 26. The Court issued that injunction precisely so that Plaintiffs would not have to await the conclusion of this case to obtain relief. With that injunction in place, there is sufficient flexibility to allow both sides to brief this case in a deliberate and thoughtful manner.

For these reasons, Defendant respectfully requests that the Court grant this extension and allow Defendants to respond to Plaintiffs' motion for summary judgment on or before November 14, 2024.

Dated: October 8, 2024

Respectfully submitted,

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